

# employee plans news

PROTECTING RETIREMENT BENEFITS THROUGH EDUCATING CUSTOMERS

Internal Revenue Service  
Tax Exempt and Government  
Entities Division

A Publication of Employee Plans

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## Beach Materials: Sun Block and the Federal Register

Good news! Completing a flurry of employee retirement plan activity, the IRS and the Department of Treasury have published rules on retirement benefits and contributions representing a large step in bringing retirement plans into the 21<sup>st</sup> century. The new regulations on benefits and contributions – issued under Code section 415 – along with recently issued regulations for 401(k) plans and 403(b) tax-sheltered annuities will help employees, employers and tax professionals alike by bringing together accumulated changes and updating them for current law for the first time in decades.

The new sets of rules will make it easier for taxpayers to find answers to their questions and it will also make it easier for IRS agents to enforce retirement plan rules.

First, the new regulations on maximum benefits and contributions – issued on May 31, 2005 – consolidate 20 years of legislative and regulatory changes. They also provide more generous rules for both plan sponsors and participants. For example, the new rules let military reservists continue making salary deferrals to their civilian employer's 401(k) or 403(b) plan after they've been called to active duty. See the [June 2 Special Edition](#) for more news on the 415 regulations.

The new rules for 401(k) plans were published on December 29, 2004, and they incorporate all the statutory changes, as well as all the related guidance published over the past 10 years. The regulations simplify some rules that employers considered burdensome. For example, the safe-harbor list of hardships now let an employee receive a plan distribution to pay for funeral expenses or to repair a principal residence after a casualty.

Changes such as these will make 401(k) plans more desirable to employers and employees, which, in turn, will help employees save for their retirement.

The 401(k) regulations also address certain abusive tax transactions such as the pre-funding of elective deferrals and matching contributions, that enabled an employer to manipulate the year of deductions.

The long-awaited guidance on 403(b) plans, issued in November 2004, is another step in the IRS's continuing dialogue with its customers. In developing these proposed rules, the IRS solicited public comments and has held public hearings on the proposed rules after they were announced. When finalized, the rules on tax-sheltered annuities will have been updated and made whole for the first time in more than 40 years.

Finally, the revised EP Determination Letter Program is open for business. The IRS solicited comments and suggestions from the practitioner and plan sponsor communities on how to improve the determination letter process. For years, when new laws were enacted that impacted employee benefits and made amending plans necessary, the IRS experienced huge spikes in determination letter requests. These sudden increases affected not only the time it took in processing the applications but it also caused a shift of IRS resources from examination work to processing the volume of determination letter requests. The new program includes a staggered application process that will allow faster treatment of requests and will permit the IRS to better apply its resources for both the Determination and Examination functions.

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## **Beach Material** *continued from page 1*

Carol Gold, IRS Director of Employee Plans, said, "The combined effect of the new guidance – which consolidates decades of law and regulatory changes – with the improved determination letter program is a significant achievement for benefits practitioners, plan sponsors and participants, and the IRS itself. Practitioners will have answers to their technical questions in one place instead of in scattered pieces of guidance and they'll get faster and more accurate responses to their determination letter requests. Plan sponsors will find easier rules for operating their plans. And participants will find plain-language information about their plans, their rights and their retirement opportunities."

As for how the new guidance and determination letter program will impact the IRS, Ms. Gold said, "The updated guidance will provide our employees with better information to oversee compliance with the law and help them answer questions from plan sponsors and participants. The new determination letter program enables both the government and private sector to plan for steady determination work from one year to another. The "dedicated" Determinations and Examinations Groups, which were established two years ago, will let us provide faster responses to determination letter requests and perform better retirement plan examinations."

For further highlights and features of the new guidance and the revised determination letter program go to the [Retirement Plans Community web page](#).•

## **EP Connections: Interview with Donna Prestia**

*Donna began her career with the IRS in 1984 - after working for the Social Security Administration as an Actuary since 1982 - as an Actuary in the Washington, DC National Office. In 1998, she moved on to the private sector. She returned to the IRS in 2000 as an Actuary for the EP Gulf Coast and Central Mountain Areas. In February 2002, she was selected as the CE&O Analyst for developing Customer Partnerships within and outside of the IRS. In October 2004, she was selected as the manager of the EP Actuarial Group 2. Donna received her Bachelors Degree in Mathematics and Economics from the State University of New York at Buffalo in 1982.*

**You're the Manager of an Actuarial Group. What types of cases do you and your employees work on? In other words, what do IRS actuaries do?**

First, we have actuaries in DC and we also have "field actuaries" who are located in different locations throughout the country. In the DC office, we work on:

- Waivers of the minimum funding requirement;
- Change in funding method requests;
- Technical advice on various issues including:
  - 401(a)(26) – meaningful benefits,
  - 401(a)(4) – service issues, and
  - 401(a)(33);
- Abusive Tax Avoidance Transactions (ATAT) – like certain 412(i) plans;
- Speaking at conferences; and
- Other cases as they come up.

The work of field actuaries includes:

- ATAT cases;
- Working with the agents on:
  - exams –
    - Employee Plans Team Audits (EPTA),
    - section 457,
    - section 419, and
    - as needed on all DB issues and some DC cases;
  - determinations, as needed;
- CPE instructors and providing classes and workshops for the field agents; and
- Other duties as they arise.

## **Donna Prestia** continued from page 2

**There was recently a “Pension Funding Summit” with folks from IRS, DOL and PBGC discussing issues. Are you involved with this project?**

When I first became the manager of the actuarial group, Carol Gold, Director of EP, asked me to work on pension underfunding and to put a meeting together between the DOL, PBGC and IRS. The meeting was eventually called the Pension Funding Summit. The meeting was held on January 6 and was the first step in developing more efficient ways for the agencies to share information.

As a subset of the pension underfunding issue, the actuarial groups have been asked to work with the PBGC on finding better and more efficient ways of dealing with waivers of the minimum funding requirement over a million dollars. John Heil, an actuary in my group, has been selected as the liaison between the PBGC and the IRS and he's drafted a memo of understanding for the agencies. The memo will create the framework for the working relationship between the two agencies.

**We understand one of your employees, Paulette Tino, was honored recently.**

Of all the people I've had the pleasure of working with, Paulette is perhaps the most special. She received the [\*\*Robert J. Myers Public Service Award\*\*](#) this year from the Academy of Actuaries and she was the first woman to receive the award, but that is such a small piece of who and what she is. When I first came to the IRS back in 1984, Paulette was my mentor on funding methods. She was given the unenviable job of trying to expand my mind to accept the concepts involved in the actuarial side of pensions. She taught me about interest, mortality, the different methods, mergers, spin-offs, etc...it wasn't pretty. Through it all, she never once made me feel like an idiot – which I felt like most of the time back then – and always encouraged me.

But that was work, on a personal level she is always happy, and I mean ALWAYS! She has a smile for you no matter what is going on. Her sense of humor is a joy (if you can get past the French accent and interesting turns of phrase) and her ability to laugh at herself as well is amazing. She is 81 years old, still working, still learning, still teaching and still smiling. She was in Paris during the occupation in WWII and has shared stories of a life most of us can not understand, but again, she always talks about the good times. Receiving the Award recently was very exciting for her, but it was no surprise to those of us who work with her that she would be recognized at such a level. We're just delighted to share in her joy and applaud with rest of the pension community.

**You're involved with the IRS Nationwide Tax Forums. What can you tell us about this?**

I became involved with the Tax Forums when I worked in CE&O. TE/GE was just getting its feet wet and learning what could be done through the Tax Forums. What we in EP found was a great way to get the word out about plans for small employers and to reach an entirely different practitioner community and customer. At the Tax Forums we do speeches that provide information on plans like SEPs, SIMPLEs, and 401(k) plans. We have an exhibit booth that we share with the other parts of TE/GE, where we provide brochures and information and answer questions. Although my participation in the Tax Forums is limited due to my new position, it still gives me great pride to help get pension information out to a group of people who would otherwise be left behind.

**Your bio shows that you started working for the government then went to a consulting firm before returning to the IRS. Has your private-sector experience helped you in your role as Manager?**

I'm not sure I would say it has helped in my role as a manager but it has helped me to understand the needs of our customers. I was a senior manager on the "outside" and I learned to work with all types of folks, both clients and co-workers. Knowing the time pressures and dynamics of the firms helps when working with practitioners now, but otherwise, I'm just glad to be back at the IRS.

**Time for the non-work question: You're renowned throughout EP for your dessert-making skills. How'd you get to be such a good chef?**

I'm Italian, it's in the blood! Actually, I've been baking and cooking since I was very young. I used to stand on a stool next to my Mom and ask a million questions and she'd let me "help." The first cakes I did on my own were when my Grandfather died and my parents were at the funeral. When they came home I had made 3 Bundt cakes; they were a big hit. The rest is history...•

## Critical FewPoints...by Michael Julianelle

Before I begin this first installment of "Critical FewPoints," I want to tell you what you can expect from this and future articles. I think it is important to focus resources and attention on the Critical Few priorities. If we do this, we'll have a strong and vibrant Examinations program, which is vital in combating non-compliance. Because I believe we must focus on the Critical Few, I will give my viewpoint of the "Critical FewPoints" that are vital to the success of EP Examinations and TE/GE as a whole. I welcome your feedback – either on what was printed or issues you'd like to see addressed in the future – so please email me at [RetirementPlanComments@irs.gov](mailto:RetirementPlanComments@irs.gov). I am very lucky to be in a position to work with the group of highly talented, motivated individuals I have come across in my tenure as Director of EP Examinations. And with that, let the words flow...

### Stressing an Enforcement Presence

Last month, in Philadelphia at the Mid-Atlantic Benefits Conference, I shared my examination program plans and ideas. My overall message was clear: There will be a prominent EP examination presence in the benefits community. EP will still be committed to providing the determination letter, outreach, and correction programs, but its focus will increase on enforcement. I shared the methods EP will use on the plans and issues that need examination so as to reduce the examination of plans that have no or minor issues.

Our "Critical Few" – or, our most important items – are:

- **Expanding Compliance Contacts** – The examination program has formed compliance groups in the 401(k), 403(b)/457, multi-employer, and large case (EPTA) areas. These groups will assist in identifying issues and plans that should be examined. Each group has been assigned an area manager who will act as "Project Champion" to assist the group with its recommendations and report ideas to me.
- **Improve Examination Timeliness** – I acknowledge this has been a concern to practitioners. I want them to know that I'm committed to having agents completing the examination sooner and with limited delays. Training of agents in examination timeliness will also be considered.
- **Examination Redesign** – Some of the ideas EP will use or strengthen are better communications between the agents and the taxpayer/practitioner to avoid examination delays, a Filing to Closure (FTC) program which will better identify returns for examination and get them into the audit stream quicker – letting examinations get started the first year after filing instead of the second year – and performing focused examinations selected by industry and plan type using a risk assessment-type approach.
- **ATAT** – Deterring abuse within EP and misuse of such entities by third parties for tax avoidance or other unintended purposes. Right now, examinations are being performed on S-Corp ESOP and 412(i) plans. Also, EP is sending soft contact letters to inform plan sponsors that EP knows these plans have abusive potential and asking these sponsors to work with EP in resolving these issues.
- **Hiring** – EP is currently in the process of hiring and training new agents for its examination program. This will let EP perform more examinations as well as transfer some agents to work on Voluntary Compliance Program cases.
- **Monitor Pension Funding** – In conjunction with the Department of Labor and the PBGC, EP has established interagency coordination on funding waivers for these plans and is sharing information on data analysis, form revisions, and form processing. This coordination will assist EP in better selection of returns to address this issue in the examination program.

To help accomplish the goals in the "Critical Few," an Employee Plans Compliance Unit (EPCU) has been established. EPCU will better identify returns for examination and use the soft contact approach to question return items, which will possibly resolve issues without a full examination. Also, the IRS [EP web site](#) now has an Examination Process Guide, which gives plan sponsors/practitioners better understanding of our examination process from start to finish and includes sections on resolving issues, communications, and the appeals process.

In conclusion, I invited plan sponsors and practitioners to visit the web site and to continue providing feedback to EP.♦

There will be a prominent EP examination presence in the benefits community.

Examinations are being performed on S-Corp ESOP and 412(i) plans... EP knows these plans have abusive potential.

### EP Welcomes Back:

Betty McClellan is the new Manager, EP Exam Programs and Review.

Betty brings a wealth of knowledge about both EP and EO examinations. Her prior position was serving as the EO Area Manager, Pacific Coast.

Prior to her EO role, Betty served as the EP Branch Chief for the former Southeast EP/EO Key District Office.♦

## **It's Not Too Late to Register! The 2005 IRS Nationwide Tax Forums**

The 2005 IRS Nationwide Tax Forums will be held in six locations across the country starting next week. The EP seminars are “**About Your Retirement**” and “**Retirement Toolbox**.” “**About Your Retirement**” presents real life examples to help you and your clients choose the right retirement plan. “**Retirement Toolbox**” features information geared toward helping small business owners keep their retirement plans operating properly. In addition EP will sponsor a booth in the exhibit hall where you can pick up our products or speak with a retirement plan specialist.

The locations and dates are:

San Francisco, CA	June 28 – June 30
Houston, TX	July 12 – July 14
Atlanta, GA	July 26 – July 28
New York, NY	August 9 – August 11
Las Vegas, NV	August 23 – August 25
Chicago, IL	August 30 – September 1

To get additional information about Tax Forums, visit [www.irs.gov](http://www.irs.gov) and then go to “Tax Professionals,” “Tax Pro Events” and “IRS Nationwide Tax Forum.” You can register on-line at [www.taxforuminfo.com](http://www.taxforuminfo.com).

## **We're Glad You Asked: SIMPLE IRA Plan Exam Program Update**

After our [2005 Spring Edition](#), featuring a sidebar on a new examination program on SIMPLE IRA plans, we received some comments asking for more information on this initiative.

Beginning with SARSEPs, EP is reviewing several small employer plan segments that are not required to file the [Form 5500](#) return. EP is now reviewing SIMPLE IRA plans and will continue with SEPs.

The current SIMPLE IRA plan examination selections are chosen on a random basis. EP looked at the total population of SIMPLE IRA plans based on W-2 filings for 2003 and made selections based on entities showing a salary deferral for their SIMPLE IRA plan. EP had not reviewed the SIMPLE IRA plan market segment in any significant way before and believed random reviews based on a nationwide sample would be the best approach.

EP hadn't focused on some of these smaller plan segments in the past because it was believed there were fewer problems in these plans. In addition, there weren't any good methods of identifying plans that don't file a Form 5500 return. Now, EP has improved methods of analyzing other IRS materials filed that allow for the review of these smaller plan segments. Importantly, EP has found some significant compliance problems within the small employer plans areas.

For example, in the initial review of SARSEPs, EP found some significant problems that indicated that sponsors were not correctly monitoring their SARSEPs and were, in fact, failing required tests. EP is seeing some of these same problems with the SIMPLE IRA plan review. EP has seen that some employers have not timely updated their IRS model or prototype plans for EGTRRA law changes as needed and outlined in [Rev. Proc. 2002-10](#). Also some employers are not giving their employees timely annual notice to make a salary reduction contribution or change their previous election.

When EP reviews these IRA-based plans – SARSEPs, SIMPLE IRAs and SEPs – it needs more than just the transaction history from the financial institution holding the IRA accounts and W-2s to complete the review. These are important sources of information but EP also needs to see:

- A copy of the plan document to insure it was properly and timely adopted;
- Annual notices of the right to make salary reduction contributions given to employees, or to modify previous ones;
- A review of employer matches and other contributions to verify that they are done properly and timely; and
- That the employer is following the terms of the plan.

To reduce any possible inconvenience, some of these examinations are conducted by correspondence. And, based on the facts and circumstances of review, the EP agent can limit the review to key selected areas.

## New Tax Shelter Reporting Rules

In recent years, there have been a number of retirement plan-related arrangements that have been characterized as abusive. The IRS has identified some of the abusive plans through published guidance. Some of these arrangements have been designated as "listed transactions" under the tax shelter rules. On October 22, 2004, the enactment of the American Jobs Creation Act of 2004 (AJCA) substantially changed the tax shelter rules. The changes have important implications for benefits practitioners and plan sponsors, including substantial penalties that exist for failure to report participation in an abusive plan.

### Overview

In general, the tax shelter rules require that taxpayers report their participation in a "reportable transaction" to the IRS. Failure to make this report will result in substantial penalties. In addition, advisors are required to report that they have provided advice on the transaction, keep a list of to whom they provided the advice, and make the list available to the IRS upon written request. The advisors also face substantial penalties for failure to do so.

### Reportable Transactions

For every reportable transaction, the material advisor must make a return setting forth information identifying and describing the transaction and any potential tax benefits expected to result from the transaction. A reportable transaction is one that the IRS determines as having a potential for tax avoidance or evasion. Under current guidance, a reportable transaction is any one of the following:

- A confidential transaction;
- A transaction with contractual protection;
- A loss transaction;
- A transaction with significant book/tax differences;
- A transaction with a brief asset holding period; or
- A listed transaction.

A material advisor is defined by the law as any person who:

- Provides any material aid, assistance, or advice with respect to organizing, managing, promoting, selling, implementing, insuring, or carrying out any reportable transactions, and
- Directly or indirectly derives gross income in excess of a "threshold amount" (or such other amount as may be prescribed by the Secretary) for such advice or assistance.

Every taxpayer who has engaged in a reportable transaction is required to attach a disclosure statement ([Form 8886, Reportable Transaction Disclosure Statement](#)) to their income tax return for each year of participation in the transaction. Also, the first time a reportable transaction is disclosed, a copy must be sent to the IRS Office of Tax Shelter Analysis.

### List Keeping and Disclosure

For any reportable transaction, each material advisor is required to maintain a list identifying each person to whom the advisor acted as a material advisor with respect to the transaction, and such other information as the IRS may require. The material advisor must make the list available to the IRS within 20 business days after a written request is made for the list. A penalty applies for each day after the 20<sup>th</sup> day for failure to make the list available.

### Penalties

Prior to the enactment of AJCA, there was no specific penalty for failure to disclose a reportable transaction. Rather, a taxpayer might lose certain defenses to accuracy-related penalties. AJCA amended the Internal Revenue Code to add specific monetary penalties for failure to file the required reports. The severity of the penalty depends on whether the failure is due to a listed transaction.

## New Tax Shelter Reporting Rules *continued from page 6*

If a material advisor fails to file the required return for a reportable transaction, or files false or incomplete information for the transaction, the penalty is:

- For a reportable transaction that is not a listed transaction: \$50,000.
- For a listed transaction, the greater of:
  - \$200,000, or
  - 50% of the gross income derived by such person with respect to aid, assistance, or advice which is provided with respect to the listed transaction (75% of such gross income in the case of an intentional failure).

The Commissioner of Internal Revenue – at the Commissioner's sole discretion – may rescind all or a portion of the \$50,000 penalty if rescinding the penalty would promote compliance with the requirements of the Code and effective tax administration. The law provides that a decision that is made in this regard may not be reviewed in any judicial proceeding. There is no authority to rescind the penalty with respect to failure to file the return with respect to a listed transaction.

If a material advisor who is required to maintain a list fails to make the list available upon written request within 20 business days after the date of such request, the material advisor faces a penalty of \$10,000 for each day of failure after the 20<sup>th</sup> day. The law does not provide for any maximum penalty. However, no penalty will apply if the failure to make the list available for a day where such failure is due to reasonable cause.

If a taxpayer that has participated in a reportable transaction fails to attach the required Form 8886 to the return, the penalty is as follows:

- For a reportable transaction that is not a listed transaction –
  - \$10,000 in the case of an individual, or
  - \$50,000 in other case (e.g., corporation, partnership, etc.).
- For a listed transaction –
  - \$100,000 in the case of an individual, or
  - \$200,000 in other case (e.g., corporation, partnership, etc.).

The Commissioner of Internal Revenue – at the Commissioner's sole discretion – may rescind all or a portion of the \$10,000 and \$50,000 penalties if rescinding the penalty would promote compliance with the requirements of the Code and effective tax administration. There is no authority to rescind the penalty with respect to failure to report a listed transaction; therefore, that penalty will have to be paid.

In the case of a company that is required to file periodic reports with SEC (or is consolidated with another company for purposes of such reports), the payment of a penalty with respect to a listed transaction must be disclosed in the reports filed with the SEC. Failure to make such disclosure is treated as a failure to report a listed transaction.

Additionally, AJCA changed the law so that the statute of limitations is extended for failure to report a listed transaction. The effective date of this change applies to all returns for which the period to assess tax had not expired as of October 22, 2004, the date the AJCA was enacted.

## Listed Transactions and Employee Plans

The IRS has specified the following retirement plan-related transactions (including IRAs and Roth IRAs) as listed transactions:

- Accelerated deductions for contributions to section 401(k) plans as described in [Rev. Rul. 90-105](#) or [Rev. Rul. 2002-46](#).
- The establishment of an ESOP for a Subchapter S corporation as described in [Rev. Rul. 2003-6](#).
- Transactions involving an individual, a Roth IRA, and a corporation as described in [Notice 2004-8](#).
- Transactions involving ESOPs for a Subchapter S corporation as described in [Rev. Rul. 2004-4](#).
- Transactions involving the purchase by retirement plans of excess life insurance as described in [Rev. Rul. 2004-20](#).

## Additional Information

For additional information, see [Notice 2004-80](#), [Notice 2005-11](#), [Notice 2005-12](#), and [Notice 2005-22](#). Or, go to the [Retirement Plans Community web page](#), select "More Topics" under the "Related Topics" section and click on "EP Abusive Tax Transactions."\*

## ACT IV – The Trilogy Continues

The 18 members of the Advisory Committee on Tax Exempt and Government Entities (ACT) presented the fourth [Report of Recommendations](#) at a public meeting in Washington, DC on June 8, 2005. Of particular interest to retirement plan customers is the report that addresses [Establishing the Enrolled Retirement Plan Agent Under Circular 230](#). The ACT recommends creating a new category of practitioners qualified to practice before the IRS – the Enrolled Retirement Plan Agent (ERPA). This category would have a limited scope enrollment, analogous to enrolled actuaries. The ACT reached this recommendation after analyzing the need, competing interests, possible alternatives, plan and plan sponsor realities, and IRS resources.

### New Members Named to TE/GE Advisory Group

The IRS has announced the selection of two new members for the EP portion of the ACT, a formal body of external stakeholders in the specialized areas of TE/GE. The appointees, who began their duties this month, will join four returning EP committee members. The new appointees are:

- Daniel J. Schwartz, of St. Louis, MO, is a shareholder in Greensfelder, Hemker & Gale, P.C., a law firm with approximately 150 lawyers. His practice is concentrated in employee benefits law with special emphasis on tax-exempt organizations. He is a Charter Fellow of the American College of Employee Benefits Counsel.
- Michael S. Sirkin, of New York, NY, is a senior partner in the Employee Benefits and Executive Compensation Group in his firm, Proskauer Rose LLP. He has practiced in the employee benefits area since 1972 and has extensive experience in qualified and non-qualified plans as well as 403(b) plans. He is a former chairman of the Employee Benefits Committee of the Association of the Bar of the City of New York.

Current EP members returning to the committee are:

- Michael P. Coyne, Westlake, OH;
- Douglas Kant, Boston, MA;
- Charles M. Lax, Southfield, MI; and
- Charles F. Plenge, Dallas, TX.

The ACT was established in May 2001 under the Federal Advisory Committee Act to provide an organized public forum for discussion of issues affecting the TE/GE communities. It allows the IRS to receive regular input on developing and implementing policy concerning TE/GE. In addition to EP, ACT representatives include specialists in exempt organizations, tax-exempt bonds and federal, state, local and Indian tribal government issues.♦

## Actuary Extraordinaire



On May 3, 2005, in Washington, DC, at a luncheon where John Snow, Secretary of the Treasury, delivered the keynote speech, the American Academy of Actuaries honored TE/GE Actuary, Paulette Tino, with one of the actuarial profession's highest honors – the [2005 Robert J. Myers Public Service Award](#). Paulette is the 11<sup>th</sup> person and first woman to receive the Myers Award, in recognition of her contribution to the public good through service in government.

The award is presented annually to an actuary who has made major contributions to the common good through service to government or public organizations. The award is named after Robert J. Myers, the first chief actuary for the Social Security Administration.

Paulette Tino

"As I receive this honor for public service, as a fellow actuary, you receive this honor with me," said Ms. Tino as she addressed 270 of her colleagues and friends in the audience, including Robert J. Myers.

The Myers Award caps a distinguished career that began with a passion for mathematics, fostered by an inspirational teacher in a one-room schoolhouse in the village of Noyon in northern France. From that initial spark, Paulette's intellectual enthusiasm has never dimmed, and she has become a coach and teacher for generations of actuaries.

## **Actuary Extraordinaire** *continued from page 8*

A number of remarkable EP employees came to the IRS with the passage of ERISA and Paulette is no exception. What distinguishes her, however, is that her IRS career began when she was fifty-one – thirty years ago! Paulette began her professional career with a Masters Degree from the Sorbonne in Celestial Mechanics. While in Paris she met her husband, Ovid, and they moved to Canada in 1951, where she began her actuarial career. Then, moving from Canada to New York City, she helped many young colleagues prepare for their actuarial examinations. She and her husband moved to Washington when he retired. At the IRS, Paulette has been an unrelenting champion of the Joint Board for the Enrollment of Actuaries and has also participated in the formulation and implementation of significant funding rules.

Among Paulette's fondest memories are joining the throngs of Parisians in the streets – all bells ringing – to welcome the liberating troops on August 25, 1944. That night, she and her father invited two American soldiers, who had just entered the town, to celebrate with her family.

EP is very fortunate to have a colleague with such "joie de vivre." •

## **PBGC Insights**

*This edition of PBGC Insights has news on participant notices, locator services, termination tips and much more.*

### **PBGC Checking for Compliance with Participant Notice Requirements**

The Participant Notice Voluntary Correction Program (VCP) announced by PBGC on May 7, 2004, has expired for calendar-year pension plans and many non-calendar year plans. As a result, PBGC is contacting plan administrators that may have not complied with Participant Notice requirements under 29 CFR part 4011. PBGC is performing electronic data analysis of Form 5500 data and comparing the results of that analysis with PBGC Form 1 certifications regarding compliance with Participant Notice requirements.

PBGC's first priority in this area is to contact plan administrators that certified a Participant Notice was not required, but appear to have been required, to issue a notice. Once contacted by PBGC, the plan administrator can provide evidence of its compliance with Participant Notice requirements. If a plan administrator is found to have failed to issue a required Participant Notice, PBGC will generally require it to issue the notice and may assess applicable penalties. For further information regarding PBGC's Participant Notice Compliance Evaluation Program, send e-mails to [pnotice@pbgc.gov](mailto:pnotice@pbgc.gov).

### **Enlisting a Locator Service Required to Help Find People Due Pension Benefits**

PBGC's Search Directory is a tool to assist the agency in locating hard-to-find participants in terminated pension plans who are due a benefit. Since the directory was established nearly a decade ago, more than 19,000 people owed more than \$94 million in benefits have been located.

At present, PBGC is trying to locate more than 32,000 people owed more than \$116 million in benefits. In addition to the directory, which can be accessed on the agency's [web site](#), PBGC uses a professional online locator tool to help find people due benefits. PBGC also sends "reunion letters" to participants in terminated plans to solicit their help in finding people the agency is unable to locate. The letters include names of co-workers whom PBGC is unable to locate.

PBGC's Missing Participants Program was established to help plan administrators complete standard terminations of their plans. Employers choosing to end fully funded defined benefit plans must distribute all plan benefits to workers and retirees before completing the plan's termination. If the plan administrator is unable to find all the plan's participants, the administrator may turn to the Missing Participants Program for assistance. However, the administrator must conduct a diligent search, including use of a commercial locator service, to find a former participant or beneficiary due a pension for whom the administrator does not have an address or telephone number. This step must be completed before turning to PBGC for assistance. More information on the Missing Participants Program is available on PBGC's [web site](#).

### **Standard Termination Tip # 3: Inability to Complete Standard Termination**

Occasionally, a plan administrator determines that plan assets will be sufficient to satisfy benefits in a standard termination and begins the process of distributing plan assets. But, sometime during that process, the administrator determines that plan assets, in fact, will not be sufficient to satisfy plan benefits. Under 29 CFR section 4041.28(b), the administrator may not make any further distribution of assets to effect the plan's termination and must promptly notify PBGC. The administrator should also notify all other affected parties. The plan remains an ongoing plan for all purposes. The administrator may wish to seek guidance from the Department of Labor on any fiduciary issues arising with respect to plan assets already distributed, or from the IRS on any tax issues arising with respect to those plan assets.

For this and other tips, go to [informal guidance](#) that PBGC prepared for Enrolled Actuaries Meetings in 2005 and earlier years. The answer above may be found under question 8 in the 2005 edition.

### **Update on Electronic Filing of PBGC Premiums**

PBGC currently is reviewing comments received in response to its proposed rule that would require plans to file PBGC premium forms electronically via My Plan Administration Account (My PAA), PBGC's e-filing application. At present, PBGC allows electronic premium filing on a voluntary basis. The proposed rule would make electronic filing of premium information mandatory beginning with the 2006 plan year for plans with 500 or more participants, and beginning with the 2007 plan year for smaller plans. Comments were due to PBGC by May 9, 2005. The proposed rule and comments may be viewed in [PDF format](#) or in a [text version](#) on PBGC's [web site](#).

On PBGC's web site there is a related notice dated March 24, 2005, (for which comments were due to OMB by April 25, 2005) that describes an alternative e-filing method that allows premium filers to submit filings electronically that were created using private-sector software currently used by many filers to prepare paper premium filings. The notice states that PBGC will establish standards for the structure and electronic submission of premium filings that were prepared via private-sector software, procedures for PBGC approval of files created with such software, and a new method for certifying premium filings made using private-sector software. This notice may be viewed in [PDF format](#) or in a [text version](#).

### **PBGC Encourages E-Filing of Premiums for 2004/2005 Plan Years**

In anticipation of mandatory e-filing for plans with 500 or more participants starting with plan year 2006, and for smaller plans starting with plan year 2007, PBGC encourages premium filers to prepare and submit both filings and payments electronically for plan years beginning in 2004 and 2005 via My PAA. All types of filings may be submitted, including Form 1-ES, Form 1-EZ, Form 1, Form 1 with Schedule A, and amended filings. Payments due currently must

be made through My PAA using ACH, electronic check or credit card, with payment to be submitted on the day of one's choice. Advantages of electronic filing over paper submissions include easier and faster preparation and improved data accuracy.

For detailed information or to set up a My PAA account, click [here](#) or go to PBGC's [web site](#) and click on the link "Online Premium Filing (My PAA)." For more information about My PAA or to receive PBGC's pamphlet describing e-filing in detail, call the agency's practitioner toll-free number at (800) 736-2444 (select the "premium" option). Note: TTY/TDD users may call the federal relay service toll-free at (800) 877-8339 to be connected.♦

## DOL Corner

The Department of Labor's Employee Benefits Security Administration's ongoing compliance assistance program expanded with new guidance and information posted on the Agency's web site.

### Tips for Reviewing Conflicts of Interest of Pension Consultants

On June 1, DOL/EBSA and the Securities and Exchange Commission (SEC) published tips to assist plan fiduciaries in reviewing conflicts of interest of pension consultants.

"The tips will help plan fiduciaries evaluate the objectivity of advice and recommendations furnished by their pension consultants," said Ann L. Combs, Assistant Secretary of Labor for Employee Benefits Security. "Fiduciaries must be provided the information necessary to ensure that advice is objective and not influenced by revenue sharing and other arrangements pension consultants may have with other service providers."

The guidance, "Selecting and Monitoring Pension Consultants – Tips for Plan Fiduciaries" addresses questions raised by an SEC staff report on potential conflict of interest disclosures by pension consultants. The report by the SEC Office of Compliance Inspections and Examinations indicates that those potential conflicts of interest may affect the objectivity of the advice they are providing to their pension plan clients.

The tips provide relevant questions plan fiduciaries should ask to encourage better disclosure and information relating to potential areas of conflicts of interest by pension consultants. The [tips](#) are available on [DOL/EBSA's web site](#).

### Guidance on the Use of Plan Assets to Promote Public Policy Positions

On May 3, DOL/EBSA issued a letter in response to public statements about the use of plan assets for purposes other than the payment of benefits and defraying plan administrative expenses. The [Department's letter](#) providing guidance about the use of plan assets to promote particular policy positions under ERISA's fiduciary responsibility provisions is available on the [DOL/EBSA web site](#).

### Comments on Recent Regulations

[Comments](#) on DOL/EBSA's proposed rules on abandoned 401(k) plans and revised Voluntary Fiduciary Correction Program are now posted on [DOL/EBSA's web site](#). These rules were discussed in previous editions of this newsletter. Watch DOL/EBSA's web site for publication of final rules. •

### Mailing Address is Now the Same for M&P Plans and VS Plans

[Revenue Procedure 2005-16](#) provides that the IRS will accept applications for opinion letters for *defined contribution* M&P plans and advisory letters for *defined contribution* volume submitter (VS) plans beginning February 17, 2005, that take into account the qualification requirements of the Economic Growth and Tax Relief Reconciliation Act of 2001 (EGTRRA) as well as other changes in qualification requirements and guidance. The submission of these defined contribution pre-approved plans will end on January 31, 2006. Revenue Procedure 2005-16 also consolidates into one revenue procedure the rules for both the M&P Program and the VS Program. As part of this consolidation, both programs will be administered through the Cincinnati office of EP Rulings and Agreements. Thus, all of these applications must be sent to the attention of the appropriate coordinator – M&P or VS – at one of the following addresses:

The address for traditional mail is:

Internal Revenue Service

Attn:

Room 5106; Group 7521

P. O. Box 2508

Cincinnati, Ohio 45201

The address for express mail or a delivery service is:

Internal Revenue Service

Attn:

Room 5106; Group 7521

550 Main Street

Cincinnati, Ohio 45202•

# Employee Plans Published Guidance

(April 2005 – June 2005)

## Regulations

### [REG-130241-04, 70 Fed. Reg. 31214](#)

Proposed comprehensive regulations under section 415 of the Code.

## Revenue Procedures

### [Rev. Proc. 2005-23, 2005-18 I.R.B. 991](#)

Provides guidance on the suspension of benefits following *Central Laborers' Pension Fund v. Heinz*.

### [Rev. Proc. 2005-25, 2005-17 I.R.B. 962](#)

Modifies and supersedes [Rev. Proc. 2004-16](#) for purposes of determining fair market value of a life insurance contract, an endowment contract, etc.

## Notices

### [Notice 2005-40, 2005-21 I.R.B. 1088](#)

Describes a deferral of a net experience loss charge under section 104 of the Pension Funding Equity Act of 2004.

## Announcements

### [Announcement 2005-36, 2005-21 I.R.B. 1095](#)

Information on the formal closing of the GUST program for pre-approved defined contribution plans.

### [Announcement 2005-37, 2005-21 I.R.B. 1096](#)

Provides a sample amendment that Volume Submitter practitioners may use with their Volume Submitter plans.

## Quick Hits

Welcome back to Quick Hits. In this edition we'll follow up on the latest News Flash and Special Editions that we've issued in the last couple of months along with some Comings and Goings. Here are the highlights:

- **EP's Exam Realignment:** In our [April 11 Special Edition](#) we reported that both EP and EO realigned their Exam functions with each division's Exam function consolidating from six areas to five. The EP and EO Exam headquarters – Baltimore and Dallas, respectively – remained unchanged. Curious about which new Area that you or your clients fall into? Then check out the [new Area Map](#).
- **Ronald Reagan was President...** The evening newscasts were the only "reality" TV shows and Americans were just starting to replace their records and tapes with shiny CDs. And 20 years ago was also the last time that the 415 rules were all in one place. Check out Marty Pippins's comments on the proposed regulations in our [June 2 Special Edition](#) or check out [the expanded column](#) in our "Published Guidance" section under the "Related Topics" section of the [Retirement Plans Community web page](#).
- **Sorry: We're Closed:** In our [June 7 News Flash](#), we stated that the GUST program for new DC pre-approved plans (i.e., M&P and volume submitter (VS) plans) would close on June 15, 2005. Any opinion and advisory letter applications for DC pre-approved plans postmarked after June 15, 2005 will be returned. Q&As on the June 15 deadline are available on the [Retirement Plans Community web page](#).
- **Hello:** Meet Colleen Patton, the new EP Area Manager for Pacific Coast – Prior to this position, Ms. Patton was the Acting EP Area Manager of the Central Mountain Area and the EP Hiring Coordinator. Ms. Patton also has 12 years of experience as an EP agent. Ms. Patton grew up in Southern California and graduated from the University of California, Long Beach with a B.S. in Economics and an MBA.♦



## The Corner of Forms & Pubs

Welcome back to the Corner of Forms & Pubs – the EP version of Hollywood & Vine. 'Tis a slow season at the Corner but we have great expectations (to coin a phrase) for the Fall edition.

### Filing Season Begins for 2004 Form 5500 & 5500-EZ

The [Form 5500](#), *Annual Return/Report of Employee Benefit Plan*, or [Form 5500-EZ](#), *Annual Return of One-Participant (Owners and Their Spouses) Retirement Plan*, for the 2004 calendar year are due by August 1, 2005 (filers get a bonus day this year because July 31 falls on a Sunday). Filers may obtain a one-time extension of time to file Form 5500 (up to 2 ½ months) by filing [Form 5558](#), *Application for Extension of Time To File Certain Employee Plan Returns*, on or before the normal due date (not including any extensions) of the return/report.

You MUST file Form 5558 with the IRS (Internal Revenue Service Center, Ogden, UT 84201-0027). Approved copies of the Form 5558 will not be returned to the filer. However, a photocopy of the completed and signed extension request that was filed must be attached to the Form 5500. For more information on filing instructions and tips, check out the Form 5500 corner on the [Retirement Plans Community web page](#) by selecting "EP Forms and Publications."

Paper copies of forms and publications can also be requested by calling 800-TAX-FORM. If you have comments about forms or pubs, contact us at [RetirementPlanComments@irs.gov](mailto:RetirementPlanComments@irs.gov).\*

## We're Family

Did you know that the *Employee Plans News* has a sister publication: the *Retirement News for Employers*?

The *Retirement News for Employers* features retirement plan news and articles designed primarily for the small-business community.

Last month, the *RNE* celebrated its first birthday and we're happy that the subscription base has more than tripled in its first year.

The [May 2005 Edition](#) featured stories on such topics as:

- The IRA Resource Guide;
- IRA Investments;
- 401(k) Plans and Third Party Administrators;
- The IRS Nationwide Tax Forums;
- Forms, Pubs and Calendar of Events; and
- Much More.

It's easy for you or your clients to subscribe. Just go to the [Retirement Plans Community web page](#), select "Newsletters," and click on "Retirement News for Employers."

So go ahead: Get your News now!\*

## Web Spins – The Retirement Plans Site

We're back: **Web Spins** - the column that takes you for a quick spin around the [Retirement Plans Community web page](#). This edition's column takes a sampling from the scads of retirement plan topics.

- **Does This Page Make Me Look Taller?** – The [Retirement Plans Community web page](#) has a new look. We've gone to a "newsier" three-tiered approach on our landing page. The top two tiers will feature recently posted items like the new proposed 415 regulations and the latest ACT report. Let us know what you think of our redesign by emailing us at [RetirementPlanComments@irs.gov](mailto:RetirementPlanComments@irs.gov).
- **I Got How Many Hits?!** – Have you been frustrated with the number of hits you get when entering a search phrase in the [IRS web site](#)? For example, if you are trying to find information on how to perform an ADP test in a 401(k) plan, you might enter "401(k) and ADP" in the "Search for" box. This search would result in over 500 hits. Try this method instead and see if it improves your search results. First enter "401(k)" in the "Search for" box. Then enter "ADP" in the "Search only within the results below" box. This method should result in many fewer hits and narrow your search substantially.
- **The 411 on IRAs** – You can find a new online version of the IRA Resource Guide at the [Retirement Plans Community web page](#). Just like the new IRA CD-ROM, the online

version has one-stop information about traditional and Roth IRAs and retirement plans based on IRAs, including SEPs, SARSEPs, and SIMPLE IRA plans. You'll find information from the IRS, Social Security Administration, the Securities and Exchange Commission and other federal agencies about setting up, investing, making withdrawals from and correcting mistakes in operating these powerful retirement savings tools. There are also research materials, IRA forms and publications, a calculator for estimating funds needed at retirement, and much, much more.\*



## 2005 Central and Mountain States Benefits Conference

The 2005 Central and Mountain States Benefits Conference will be held on September 12–13 at the City Center Marriott Denver in Denver, Colorado. The annual conference is co-sponsored by the IRS, American Society of Pension Professionals & Actuaries (ASPPA) and the Western Pension and Benefits Conference (WPBC).

The program will focus on current regulatory, legislative, administrative and actuarial topics. It will feature panel discussions with both public- and private-sector speakers. It will provide a unique opportunity for attendees to meet and discuss common areas of interest with government representatives from the IRS, Department of Labor and the Treasury Department. Focusing on issues that are important to attendees, the discussions will use an interactive panel format.

This year's Conference will feature discussions on:

- 403(b) Plans,
- 401(k) Plan Regulations,
- Code Section 409A,
- IRS Audit Initiatives,
- EBSA Audits and Initiatives,
- Recent Guidance on DB Plans, and
- Pitfalls of Plan Administration.

In addition, this year's conference will include updates in Benefits Litigation, DOL Regulations and Welfare Plans. Finally, the conference will again provide three 2-part sessions that will include both a panel discussion and a case study on the topics of Prohibited Transactions, Roth 401(k) Accounts and EPCRS.

The IRS will also offer "interactive booths" where conference attendees will be given the opportunity to have one-on-one discussions with EP specialists. In addition, attendees will have the opportunity to pick up IRS publications, forms and promotional items. DOL will also have an interactive table.

For further information on the Central and Mountain States Benefits Conference as well as other IRS co-sponsored Benefits Conferences, go to [www.irs.gov/ep](http://www.irs.gov/ep). Select "Educational Services" under the "Related Topics" section, and then go to "Benefits Conferences Calendar."•

## 2005 Northeast Employee Benefits Conference Review

The IRS, in association with the Northeast Area's Pension Liaison Group and the American Society of Pension Professionals & Actuaries (ASPPA), held the annual [Northeast Employee Benefits Conference](#) on June 9 in Natick, MA and June 10 in White Plains, NY.

The two sites provided pension professionals from New York and New England the opportunity to attend a conveniently located conference.

The annual conference educates attendees about current regulatory, legislative, and administrative topics. The conference also provides participants an opportunity to discuss employee benefit issues with colleagues as well as employees from the IRS and Department of Labor. This year, participating IRS executives included Michael Julianelle, Director of EP Examinations; James E. Holland, Jr., Manager of EP Technical; Lisa Mojiri-Azad, Senior Technical Reviewer, and William Schmidt, Senior Counsel, Office of Division Counsel/Associate Chief Counsel, TE/GE; and other government speakers who took part in a number of panel discussions with employee benefits experts from the Northeast Pension Liaison Group.

This year's agenda included panel discussions on:

- IRS Examination and Determination Programs;
- Final Regulations Under 401(k);
- Department of Labor Issues and Initiatives;
- Discussion of New IRC 409A Guidance;
- IRS Proposed Regulations Under 403(b);
- Plan Administration Topics: Locating Missing Participants, Automatic Rollover Rules, and Roth 401(k) issues; and
- An Open Q&A Session.

IRS employees contributing to this edition of the *Employee Plans News* are:

**Bob Architect,**  
**Dana Barry,**  
**Robert CreMeens,**  
**Carol Gold,**  
**Ingrid Grinde,**  
**Jim Holland,**  
**Doug Jordan,**  
**Michael Julianelle,**  
**Ann Junkins,**  
**Roger Kuehnle,**  
**Teresita Laureano,**  
**Peter McConkey,**  
**Todd Newman,**  
**Mark O'Donnell,**  
**Nancy Payne,**  
**Marty Pippins,**  
**Sharon Polo,**  
**Donna Prestia,**  
**Wiley Ransom,**  
**Mike Rubin,**  
**Bonnie Schaumberg,**  
**John Schmidt,**  
**Brenda Smith-Custer,**  
**Mikio Thomas** and  
**Paulette Tino**

## Northeast Benefits Conference *continued from page 14*

Each afternoon featured a series of concurrent breakout sessions, providing attendees the opportunity to select the subject matter they were most interested in. In addition to the presentations, personnel from the EP, DOL's Employee Benefits Security Administration and Bureau of Labor Statistics were on hand to answer questions and discuss issues with attendees.♦

## 2005 Mid-Atlantic Employee Benefits Conference Review

The 2005 Mid-Atlantic Employee Benefits Conference was held on May 23-24, at the Park Hyatt Hotel in Philadelphia, PA. This annual conference is jointly sponsored by the IRS and ASPPA. A special pre-conference panel discussion Q & A was held on Sunday evening, May 22. Panel members included Carol Gold, Michael Julianelle, Jim Holland, Cathy Jones, and Mike Sanders from IRS, as well as Ian Dingwall of DOL.

The conference featured panel discussions with public and private sector participants. The conference included discussions on:

- Washington Update: Carol Gold, Michael Julianelle, Cathy Jones;
- 403(b) Developments & 457 Plans: Cheryl Press, Office of Associate Chief Counsel, IRS;
- Current Legislative and Regulatory Changes: Carol Gold, Martin L. Pippins of IRS and Fil Williams, DOL;
- DOL Issues and Updates: Ian Dingwall;
- Welfare Plan Update: Harry Becker, Office of Associate Chief Counsel, IRS and Kevin Knopf of Treasury;
- Current IRS Initiatives: Carol Gold;
- IRS Audits & EPCRS: George Brim;
- Successful Audits Start with Planning: Michael Sanders; and
- Defined Benefit Plan Design: Jim Holland.

Interactive tables were also offered again this year and provided an opportunity for the attendees to meet informally for one-on-one discussion with EP specialists in many areas, as well as with representatives from DOL.

The conference provided an essential learning and interactive experience for serious pension practitioners. For further information, go to [www.asppa.org/mabc.htm](http://www.asppa.org/mabc.htm).

## 2005 Great Lakes Area IRS/ASPPA Benefits Conference

Once more the IRS allied with ASPPA and additional Cooperating Sponsors to showcase the **Great Lakes Benefits Conference** in Chicago on May 5-6. The Conference provided a forum for the private- and public-sector to meet and discuss key employee benefit issues. Attendees participated in various technical sessions and were able to earn continuing professional education credit.

General Sessions included:

- Washington Legislative and Regulatory Update;
- New and Improved Determination Letter Program; and
- Hands on Approach to IRS/DOL Audits.

Breakout Sessions included:

- EPCRS Update;
- Relative Value Regulations and Eliminating Optional Forms of Benefits;
- Real 412(i) Plans – After the Abuses are Gone;
- 403(b) and 457 Plans – From a 401(k) Point of View; and
- Local IRS Audit Issues – An Agent's Perspective.

Carol Gold, Director of Employee Plans, was the keynote speaker at the luncheon held on May 5. She gave a global perspective of the EP function and discussed the recent realignment of the EP Areas. She also indicated that one of the key components to future success is a strong partnership with the private sector to enhance voluntary compliance.



Benefits Conferences:  
*Another way that EP and IRS are reaching out to help the benefits community remain compliant with the law.*

## Great Lakes Benefits Conference *continued from page 15*

Other government speakers included:

- Marty Pippins, Manager, EP Technical Guidance and Quality Assurance, IRS;
- Marjorie Hoffman, TE/GE, Office of Chief Counsel;
- Joyce Kahn, Manager, EP Voluntary Compliance, IRS;
- Monika Templeman, EP Area Manager, Great Lakes; and
- Steven Haugen, Deputy Regional Director, Chicago Regional Office, Department of Labor.

An EP Information Booth staffed by EP personnel was featured this year. Additionally, EP agents and managers had a booth with tabletop exhibits covering various procedural and technical issues.

This Conference was just one of the many ways that EP continues to reach out and work with the benefits community by educating and providing guidance.♦

## Calendar of EP Benefits Conferences

### UPCOMING EVENTS...

Name	Date(s)	Location	Co-Sponsor(s)	For Further Information, Please Contact
Central & Mountain Sts. Benefits Conference	09/12/05-09/13/05	Denver, CO	ASPPA and WPBC	<a href="http://www.asppa.org">www.asppa.org</a>
SWBA/IRS 15 <sup>th</sup> Annual Employee Benefits Conference	10/24/05-10/25/05	Dallas, TX	Southwest Benefits Association (SWBA)	<a href="http://www.swba.org">www.swba.org</a>

### RECENT EVENTS...

Name	Date(s)	Location	Co-Sponsor(s)	For Information, See
Northeast Benefits Conference (2 Locations)	06/09/05-06/10/05	Framingham, MA & White Plains, NY	ASPPA & NE Area Pension Liaison Group	
18 <sup>th</sup> Annual Cincinnati Employee Benefits Conference	06/09/05 06/10/05	Cincinnati, OH	Cincinnati Bar Association	<i>EP Benefits Conferences Calendar at <a href="http://www.irs.gov/ep">www.irs.gov/ep</a></i>
Mid-Atlantic Benefits Conference	05/23/05-05/24/05	Philadelphia, PA	ASPPA	
Great Lakes Benefits Conference	05/05/05-05/06/05	Chicago, IL	ASPPA & other cooperating sponsors	
Los Angeles Benefits Conference	01/27/05-01/28/05	Los Angeles, CA	ASPPA, NIPA, WPBC and other cooperating sponsors	



Department of the Treasury  
**Internal Revenue Service**  
[www.irs.gov](http://www.irs.gov)  
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**Internal Revenue Service**  
**Tax Exempt and Government Entities Division**

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